

Minutes of the Planning Commission meeting held on Thursday, November 4, 2010, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Chair
Sheri Van Bibber, Vice-Chair
Kurtis Aoki
Tim Taylor
Karen Daniels
Tim Tingey, Community & Economic Development Director
Ray Christensen, Senior Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Ray Black
Jeff Evans

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Mr. Harland opened the meeting and welcomed those present.

APPROVAL OF MINUTES

Jim Harland asked for additions or corrections to the minutes of October 21, 2010. Sheri Van Bibber asked about the wording on page 3, paragraph 3, regarding the Land Use Ordinance Text Amendment for signs. She clarified that her intent was to say that political signs should be prohibited on utility poles and stop signs in the public right-of-way.

Sheri Van Bibber made a motion to approve the minutes, with corrections, from the October 21, 2010 meeting. Seconded by Tim Taylor.

A voice vote was made. The motion passed, 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Karen Daniels made a motion to approve the Findings of Fact for a Conditional Use Permit for Intermountain Cars. Seconded by Kurtis Aoki.

A voice vote was made. The motion passed, 5-0.

A-CORE – 5358 Woodrow Street – Project #10-221

Paul Evans was the applicant present to represent this request. Ray Christensen reviewed the location and request for Conditional Use Permit for a contractor business expansion with new truck repair bays, shop area, storage facility and yard at 5358 South Woodrow Street. He said that the property also has frontage along Riley

Lane, which is a private street at this location. He said that the City Engineer is requiring dedication of property for a public street with the new building construction and development of the property. He said that there will also need to be improvements along Woodrow Street and Riley Lane, including curb, gutter, sidewalk and landscaping. Mr. Christensen said that this property is located in the M-G-C zone. He said that the current main office and shop buildings are located on the west side of Riley Lane, and the proposed new building expansion will be to the east side of Riley Lane. He stated that the plans show 27 parking stalls, which includes 2 disabled stalls, for the new repair shop area, office, and storage facility. He stated that currently employees are parking along Riley Lane. Mr. Christensen said that there is a residential zone to the south of the A-Core property, and that a 10-foot landscape buffer will be required along that boundary. He stated that staff is recommending approval of this Conditional Use Permit.

Paul Evans, 11576 South State Street, is the architect for this project and was present to represent A-Core. Mr. Evans stated that he had not seen staff's conditions prior to this meeting, however he has met with staff on a number of occasions and the conditions were communicated verbally. He said that the conditions are consistent with the proposed plan and that the applicant has agreed to continue the landscape improvement along Woodrow to the property boundary on the south. He said that a consultant has been working with staff to determine what is needed along Riley Lane in relation to the right-of-way and he is waiting to hear that recommendation.

Mr. Harland asked staff to provide Mr. Evans with a copy of the staff report. Ms. Daniels asked if the new truck repair bays are for the company vehicles or customers. Mr. Evans responded that the repair bays are strictly for A-Core's own vehicles.

Mr. Evans reviewed the conditions recommended by staff. He said that the only condition he was unaware of prior to the meeting was 10 feet of landscape buffer along the south property line. He said that there are some existing structures near the property boundary. Mr. Tingey stated that the landscape is to go in the area adjacent to the residential area where there aren't any existing structures. Mr. Evans stated that the majority of landscaping will be plants and rocks and asked if this is what the City requires. Mr. Tingey said that staff is willing to work through the landscaping plans and that they will need to meet the code standards. He said that the residential properties are to the south of this site.

Mr. Harland opened the meeting for public comments.

James Prindiville, 97 West Woodrow, stated that a few years ago A-Core requested a Conditional Use Permit for a nice looking office building to be built on this same site. He said that nothing was built at that time, and since then the City Council closed the eastern exit from this neighborhood which has created excessive traffic on Woodrow Street. He said that Woodrow is a narrow street and there is not a sidewalk. Mr. Prindiville asked why the parking lot is going to be located on the residential side of the property. He said that he is concerned that the trucks will start to use Woodrow Street instead of Riley Lane.

Mr. Evans responded that the proposed parking area follows the master plan, which

includes a future office building on the east side. He said that there are enough parking stalls to meet city requirements and that there will only be 5 or 6 employees in this particular building. He stated that he does not anticipate a high amount of traffic in the residential area as the company vehicles needing repair will be accessing the property from Riley Lane. Mr. Evans stated that there is not a road connection between the parking lot and the work yard due to a fence with a secured gate.

Karen Daniels stated that the conditions address Mr. Prindiville's concerns about the sidewalks.

Mr. Harland closed the public comment period for this agenda item.

Tim Taylor made a motion to approve a Conditional Use Permit for A-Core for contractor business expansion, at the property addressed 5358 South Woodrow Street, subject to the following conditions:

1. The project shall meet all current fire codes.
2. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted with the building permit to be approved by the Murray City Forester and the landscaping to be installed as approved prior to occupancy. Revised plans will need to be submitted with the building permit to include landscaping and street improvements on the Riley Lane and Woodrow Street frontages and a 10-foot depth of buffer landscaping adjoining the residential zone to the south.
3. Trash containers shall be screened as required by Section 17.76.170.
4. The project will need to comply with the parking ordinance 17.72 to include the Riley Lane parking lot areas shall be paved and striped if parking continues on site, including disabled stalls with signs posted, to meet zoning and ADA regulations.
5. The city engineer will require right-of-way dedication to Murray City for the Riley Lane widening and street improvements, curb, gutter, and sidewalk are required for both Woodrow Street and Riley Lane. A formal drainage plan will be required to be submitted for review and approval.
6. The building official noted the structure shall meet all building and fire code requirements. The applicant shall submit complete plans for the building permit review which are stamped and signed by the appropriate design professionals.
7. The parcels of property where the building is located will need to be combined into one lot to meet building code requirements and city engineer approval.
8. All fencing shall comply with the fence code regulations 17.64.
9. Meet all water and sewer department requirements for utility plans and

approvals for the project.

10. Meet all Murray Power Department requirements.

Seconded by Kurtis Aoki.

Call vote recorded by Ray Christensen.

A _____ Mr. Taylor
A _____ Ms. Van Bibber
A _____ Mr. Aoki
A _____ Ms. Daniels
A _____ Mr. Harland

Motion passed, 5-0.

CONTRACT APPLIANCE SALES – 33 East 5th Avenue – Project #10-222

Danny Johnson was the applicant present to represent this request. Tim Tingey reviewed the location and request for a Certificate of Appropriateness and Conditional Use Permit approval for wholesale appliance sales. He said that this property is located in the transition area of the Downtown Historic Overlay District and has been reviewed by the Design Review Committee. He stated that staff and the Design Review Committee have recommended approval of the proposal. Mr. Tingey stated that staff has outlined conditions related to landscape and fencing.

Danny Johnson, 779 East Clifford Drive, Tooele, stated that he has received a copy of the staff report and has reviewed the conditions. He said that he will be able to meet the conditions.

Mr. Harland opened the meeting for public comments related to this item.

Bill Wright, 4872 South Poplar Street, stated that his property adjoins this site. He said that he would like to see this proposal approved as it seems like a good business. He stated that the prior businesses that tried to locate at this site were not ideal neighbors, and that the building has been vacant for a long time.

There were no additional public comments. Mr. Harland closed the public comment period for this agenda item.

Ms. Van Bibber thanked the Wright's for attending and offering their support to this business.

Karen Daniels made a motion to approve a Certificate of Appropriateness and a Conditional Use Permit for wholesale appliance sales use for the property located at 33 East 5th Avenue, subject to the following conditions:

1. The project design shall incorporate all of the design elements recommended by the Design Review Committee and approved by the Planning Commission.

2. The project shall meet all applicable building code standards.
3. The project shall meet all current fire codes.
4. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved the Murray City Forester and installed as approved prior to occupancy.
 - (a) A 10-foot wide landscape area shall be provided along the parking area at the west of the site beginning at the western edge of the west driveway approach and continuing to the west property line.
 - (b) The existing fence shall be removed or if retained shall be moved 10 feet to the north and behind the required landscape area on 5th Avenue.
5. Re-stripe the parking lot in accordance with the approved plan. Parking lot striping shall be completed prior to occupancy or business license approval.
6. Any trash container shall be screened as required by Section 17.76.170.
7. Exterior lighting and parking lot lighting should be shielded and should not spill onto adjacent properties.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A Mr. Taylor
A Ms. Van Bibber
A Mr. Aoki
A Ms. Daniels
A Mr. Harland

Motion passed, 5-0.

SEGO LILY SCHOOL – 427 & 447 West 4800 South – Project #10-223

Jen Schwartz was the applicant present to represent this request. Tim Tingey reviewed the location and request for a Temporary Conditional Use Permit for temporary school buildings at the properties addressed 427 and 447 West 4800 South. Mr. Tingey stated that a Conditional Use Permit was previously approved by the Planning Commission for a private school on the property. At that time the property was zoned C-D-C but has since changed to M-U. He said that the purpose of the application is for the school to increase enrollment to a level that would help them secure financing for construction of the school. He stated that the applicant proposes to construct the parking lot as previously approved and provide the required landscaping. Mr. Tingey stated that there will be three structures, once of which will be a permanent shop building that will be used temporarily as a classroom. He said that a Temporary Conditional Use Permit is valid for 6 months, after which staff can give ongoing approval for up to 2 years. An additional year can then be approved by

the Planning Commission. He stated that staff is recommending approval of the Temporary Conditional Use Permit.

Mr. Aoki asked if the applicant will have to come before the Planning Commission again if they have exhausted staff approvals or if an additional year is automatically granted. Mr. Tingey stated that the issue must be presented to the Planning Commission for consideration at that time.

Jen Schwartz, 7987 McClain Mountain Circle, Cottonwood Heights, stated that she and her husband own the property for Sego Lily School. She said that since they obtained their Conditional Use Permit some funding issues have surfaced. She said that they are ready to grow and have had to turn some children away because of lack of space. She stated that they anticipate being able to enroll 85 to 90 more students once the temporary structures are complete. Ms. Schwartz stated that they anticipate needing approximately 2 years to build the permanent school.

Ms. Van Bibber asked how many students are currently enrolled in the school. Ms. Schwartz responded that they have 45 students between the ages of 4 and 16.

Ms. Schwartz confirmed that she has received a copy of the staff report and will comply with the conditions. She invited the Planning Commission to the ground breaking ceremony that was scheduled for November 5th.

No comments were made by the public.

Karen Daniels made a motion to approve the Temporary Conditional Use Permit for temporary school buildings at the property addressed 427 and 447 West 4800 South, Sego Lily School, subject to conditions:

1. Provide plans stamped and sealed by appropriate design professionals, to include code analysis and egress plan.
2. Shall meet all building and fire codes.
3. The project shall meet all Water and Sewer Department requirements. Plans shall be submitted to show how the applicant will address short term and long term utility plans for water and sewer.
4. The project shall meet all Power Department requirements.
5. A revised drainage plan is required for review and approval by the City Engineer to assess impacts of the proposed temporary structures.
6. A road cut is required for utility ties and curb and gutter or sidewalk changes, drainage problems, or trip hazards.
7. Landscaping and parking shall be provided in accordance with previously approved plans prior to occupancy. Parking spaces shall be paved and striped in accordance with approved plans.

8. Any proposed trash container shall be screened as required by Section 17.76.170.

Seconded by Tim Taylor.

Call vote recorded by Ray Christensen.

A _____ Mr. Taylor
A _____ Ms. Van Bibber
A _____ Mr. Aoki
A _____ Ms. Daniels
A _____ Mr. Harland

Motion passed, 5-0.

HILLS CONSTRUCTION INC. – 4154 South Commerce Drive – Project #10-224

Russell A. Nelson was the applicant present to represent this request. Ray Christensen reviewed the location and request for a contractor business at 4154 South Commerce Drive. He said that the property is located in the M-G-C zone on the west side of Commerce Drive. He said that the area to the west of the existing building will be used to store equipment and supplies. He stated that there is an area to the south that is adjacent to Big Cottonwood Creek that the applicant may choose to pave in the future, and that he would have to coordinate that proposal with County Flood Control. Mr. Christensen stated that the plan shows parallel parking on the south side of the building. He said that the parking lot will be repaved, and that there is another business to the west that shares the driveway. He said that there is a requirement for a 10-foot depth landscape at the property frontage between the driveway and property line. He stated that the applicant has indicated that he may apply with the Board of Adjustment for a landscaping variance. Mr. Christensen said that the existing building will be repaired and there are not plans to do any building expansions. He stated that staff is recommending approval of the Conditional Use Permit.

Russell A. Nelson, 1770 East 6400 South, stated that his company is a heavy industrial contractor. He said that they work primarily on public works project and do not advertise their business. He said that related to the conditions, he thinks that the ADA parking spot would not serve any purpose. Mr. Harland stated that it is a requirement of the ordinance. Mr. Nelson said that they have already completed extensive clean-up along the river frontage and that he found where people have been living along the riverbank in tents. He stated that Salt Lake County is pleased with the clean-up. He said that they have plans to landscape the area to make it nicer and easier to control. He said that they have been in business for 11 years and are excited to be located in Murray.

There were no comments from the public related to this item.

Mr. Aoki stated that he is familiar with Mr. Nelson but does not believe he has a conflict of interest with this item.

Tim Taylor made a motion to grant a Conditional Use Permit for a contractors business at the property addressed 4154 South Commerce Drive, subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved prior to occupancy. A 10-foot depth of landscaping is required across the property frontage excluding the drive access which will require the elimination of one parking stall.
4. The trash container shall be screened as required by Section 17.76.170.
5. All the parking stalls shall be paved and striped, including one disabled stall with sign posted, to meet zoning and ADA regulations.
6. The City Engineer noted to repair any curb and gutter, drainage problems or sidewalk trip hazards. County and State permits are required for work on the Cottonwood Creek bank.
7. The parking lot shall be paved and striped, including a disabled stall with sign posted. Proper aisle width with adequate turn around for the parallel stalls shall be provided for cars to exit the property in compliance to parking regulations Chapter 17.72.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A _____ Ms. Daniels
A _____ Mr. Aoki
A _____ Mr. Taylor
A _____ Ms. Van Bibber
A _____ Mr. Harland

Motion passed, 5-0.

MURDOCK HYUNDAI – 4646 South State Street – Project #10-225

David Ibarra was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit amendment for a new car dealership for Murdock Hyundai, with a building canopy addition at the property addressed 4646 South State Street. He said that Larry H. Miller Honda used to be located at this site. He said that the property is located in the C-D-C zone. Mr. Christensen stated that the proposed canopy will be added to the south side of the building and will meet the 20-foot setback requirement. He said that there needs to be a 5-foot depth of landscaping at the north side of the property where the parking

stalls abut the property boundary, and 10 percent of the total site will need to be landscaped. He said that the showroom will be located on the east side of the building, and that the interior will be remodeled with office areas, parts sales and storage areas. He stated that the façade of the building will change and a new canopy addition will be constructed at the south side of the building. Mr. Christensen said that the plan shows 152 parking stalls provided on the site; however, 153 stalls are needed to meet the requirements. He stated that there is an irrigation ditch in the area of the proposed canopy, so the applicant will need to meet with the irrigation company to obtain their approval. He said that staff is recommending approval of the Conditional Use Permit.

David Ibarra, 438 East 200 South, Salt Lake City, stated that he is present to represent the Murdoch group. He said that the Murdoch group has recently purchased other dealership facilities and provided quality upgrades to the sites. He stated that they originally intended to move to West Valley City but that the chosen location would have been too close to another Hyundai dealership. Mr. Ibarra stated that auto dealerships are very important to the City's sales revenue. He said that they plan to make a decision within the upcoming week regarding where they will locate. Mr. Ibarra confirmed that he has reviewed all of the conditions recommended by staff.

Kevin Hunt, 113 Lakeview Drive, Stansbury, is with New Concepts Construction. He said that he has been working on meeting parking and landscaping requirements. He stated that they anticipate having 100 used cars and 200 new cars on display, and combined with the 153 required parking spaces this totals 453 stalls. He said that currently they have 439 stalls. Mr. Hunt asked for an opinion as to enhancing the State Street frontage instead of having to install a 5-foot strip of landscape along the perimeter of the property, which would result in the loss of up to 50 parking stalls.

Mr. Ibarra stated that it is not logical to require landscaping between this site and an adjoining property. Mr. Hunt stated that on the west side of the property, a variance was previously granted for a visual barrier vinyl fence. He stated that it isn't practical to require landscape in that area and that the money would be better spent enhancing the area along State Street.

Mr. Harland stated that Conditional Use Permits are approved based upon City ordinances. He said that the Planning Commission does not issue variances, nor do they give any indication of whether a variance will be approved. Any issues pertaining to variances need to be addressed with the Board of Adjustment.

Tim Tingey stated that he has met with this applicant and is excited to have them in Murray. He said that when there is an expansion of an existing building, the Code states that the entire property must be brought up to current standards. He stated that the applicant does have the option of going to the Board of Adjustment to request a variance. He said that the main criteria for the Board of Adjustment to consider include whether this particular property has special circumstances that do not apply to other properties, and if there is a hardship related to locating the landscaping as required. He stated that economic factors are not considered a hardship. Mr. Tingey stated that there is an access off of State Street, which is very close to where the landscape is to be located. He said that this could possibly be considered a hardship

but would require further evaluation.

Mr. Harland encouraged the applicant to follow the correct procedure and apply for a variance through the Board of Adjustment.

Bernardo Flores, 171 West Pierpont Avenue, Salt Lake City, stated that he represents the architectural office and has been evaluating fire code issues related to this building.

Kurtis Aoki asked about the front landscape modification request and what affect that would have. Mr. Hunt stated that there are a number of xeriscape options with drought tolerant plants and rocks. Mr. Aoki clarified that the proposed modification would only apply to the type of landscape, not the size of the landscape area. Mr. Hunt agreed.

Mr. Ibarra stated that when they were working with West Valley City, it was suggested that the landscape along the frontage area was a priority and that having a grass area between two automobile dealerships was not necessary. He said that it is a better investment to improve the frontage landscape.

Ms. Van Bibber made a motion to grant a Conditional Use Permit for a new car dealership for Murdock Hyundai, to include a new building canopy addition, at the property addressed 4646 South State Street, subject to conditions:

1. The project shall meet all applicable building and fire code standards. The building official noted he is unable to determine at this time if a fire sprinkler system will be required at the new canopy and will require the architect to provide a code analysis of both the new canopy and existing structures. Plans are required to be stamped and sealed by appropriate design professionals to the currently adopted codes.
2. The project shall meet all current fire codes.
3. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved prior to occupancy. The reviewed plan needs to be provided with the building permit and shall show landscaping with a 5-foot depth within the 5-foot area interior perimeter of the property adjoining parking stalls to meet the requirements of the landscaping ordinance.
4. The trash container shall be screened as required by Section 17.76.170.
5. The City Engineer will require the applicant to check with UDOT to see if a permit is required for access agreement with the addition. Drainage may change because of the addition and a drainage plan will need to be reviewed. The canopy addition crosses an irrigation ditch so approval from the Brown Ditch is required to move, build over, or drain into the ditch.
6. All of the parking stalls shall be paved and striped, including aisle width, to

meet zoning and ADA regulations as required by Section 17.72.

Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A _____ Ms. Daniels

A _____ Mr. Aoki

A _____ Mr. Taylor

A _____ Ms. Van Bibber

A _____ Mr. Harland

Motion passed, 5-0.

OTHER BUSINESS

Mr. Harland invited some Boy Scouts in the audience to introduce themselves. Ben Taylor stated that he is in Troop 940 and is working on his Communications merit badge. Ben Linton stated that he is present to work on his Citizenship in the Community merit badge.

Tim Tingey stated that there was an open house on November 3, 2010 related to the downtown vision and Murray City Center District ordinance. He said that Mr. Aoki attended the meeting. He stated that there were questions about parking and height standards. He said that he anticipates the ordinance being ready for Planning Commission review in December.

Meeting adjourned.

Tim Tingey, Director
Community and Economic Development